

# **EXHIBIT A**

MichaelBarnes\_Rough.txt

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1 THE VIDEOGRAPHER: Today's date is

2 June 27th, 2019 and the time is 10:09 a.m.

3 This will be the videotaped deposition of  
4 Michael Barnes. Would counsel please identify  
5 themselves for the record after which the court  
6 reporter will swear in the witness.

7 MR. BROWN: Bruce Brown representing the  
8 Coalition plaintiffs.

9 MR. BRODY: David Brody representing the  
10 Coalition plaintiffs.

11 MS. BENTROTT: Jane Bentrrott representing  
12 the Curling plaintiffs.

13 MR. TYSON: Bryan Tyson, Taylor English,  
14 representing the State defendants.

15 MR. JACOUTOT: Bryan Jacoutot, Taylor  
16 English, representing the State defendants.

17 MS. BURWELL: Kaye Burwell, Fulton County.

18 MICHAEL BARNES,

19 called as a witness, having been duly sworn  
20 by a Notary Public, was examined and testified as  
21 follows:

22 EXAMINATION

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14 Q. What computers are used?

15 A. Today?

16 Q. Yes.

17 A. Everything today is hardware put in place  
18 by the Secretary of State's office.

19 Q. Does the hardware have the same function as  
20 it did in 2016?

21 A. Say -- does it do the same thing? Does the  
22 hardware hold the GEMS executable?

23 Q. Right. Well, you described -- do you have  
24 a ballot builder computer now?

25 A. Do we have a ballot builder server?

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1 Q. Yes.

2 A. Yes. I don't know what the Secretary of  
3 State's office names it as, but, yes.

4 Q. But do you use -- do you use it in the same  
5 way roughly?

6 A. In the same way, where the people building  
7 ballots have a computer that holds the GEMS  
8 executable. They build a data file and then it is  
9 saved back to that server.

10 Q. And is it networked by wire?

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11 A. Hard wire, yes.

12 Q. And how many ballot builders do you have  
13 today?

14 A. I have three.

15 Q. And who are they?

16 A. Today I have Xavier Harris, Chris  
17 ck/Balleau, and Sam Sheldon.

18 Q. And who has -- who has Merrill King's  
19 position?

20 A. There is no executive director anymore.

21 Q. And do you have -- do you have assistants?

22 A. In --

23 Q. Do you have assistants to you?

24 A. I report to the -- the deputy Secretary of  
25 State.

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1 Q. And who is that?

2 A. Jordan -- and I have the hardest time  
3 saying her last name -- but it's F-u-c-h-e-s.

4 Q. And then who reports to you?

5 A. The three people I mentioned previously are  
6 currently -- are my employees and I have one more  
7 employee that is -- actually he's a employee of the

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8 IT department, so he doesn't actually report to me,  
9 but he resides at Center for Election Systems.

10 Q. And who is that?

11 A. His name is ck/Terrance Reese.

12 Q. Okay. And today, are the -- do the  
13 counties review pdfs in the same way as they did in  
14 2016?

15 A. Yes.

16 Q. And today, do the counties -- well, you  
17 described a process where CES will send pdfs of  
18 ballots, rough drafts of the ballots to the counties  
19 for their review. Is that still done in the same way  
20 now?

21 A. Yes, yes.

22 Q. And the counties still today report back in  
23 writing as to mistakes --

24 A. Yes.

25 Q. -- or problems with the ballots, right?

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1 A. Yes, yes.

2 Q. And then after sign-off and after you do  
3 your final review, will you still send by CD the  
4 completed GEMS database for each county?

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5 A. Yes.

6 Q. And today, is it the same as except in an  
7 emergency, a county would not have a GEMS database  
8 downloaded directly from a server to the county,  
9 correct?

10 A. It's the Secretary of State's position that  
11 everything is physically delivered. There is no  
12 electronic transfer of database.

13 Q. Okay.

14 MR. BROWN: Just one second.

15 Q. (By Mr. Brown) I'm going to hand you what  
16 has been marked, what's going to be marked as  
17 Plaintiff's Exhibit 20. And for the record, we are  
18 continuing the numbering that was started in the  
19 ck/Ledford deposition where Exhibits 1 through 19  
20 were marked.

21 (whose exhibit Exhibit  
22 ex number ,  
23 Exhibit description , marked for  
24 identification.)

25 Q (By Mr. Brown) Let me direct your attention

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1 to page 7. And for the record, that Exhibit 20 is a

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2 copy of Defendant's Secretary of State Brad  
3 Raffensperger, State Election Board response to order  
4 dated April 16, 2019. I do not have a document  
5 number for that filing unfortunately, but let me  
6 refer to page 7.

7           If you look at the first bullet point,  
8 underneath subparagraph 3, the brief says that the  
9 Secretary of State prepares a GEMS database  
10 containing the contents and candidates for the  
11 scheduled election that is proofed and approved by  
12 the county prior to being finalized.

13           The database itself isn't proofed and  
14 reviewed, is it?

15       A. Reports from the database are generated and  
16 provided to the county for review.

17       Q. Okay. But the county again does not review  
18 or proof the GEMS database itself.

19       A. Again, I would just state my previous  
20 answers that the county approves the reports  
21 generated from the database.

22       Q. But it does not review the database itself.

23       A. We do not provide them a physical copy of  
24 the database before sign-off.

25       Q. Okay. And then the drafts pdfs, are

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1 those -- okay.

2 And the CDs that finally go to the  
3 counties, are those encrypted?

4 A. Yes.

5 Q. You described some reports that went with  
6 the ballots to the counties for the review process.

7 A. Uh-huh.

8 Q. Are you with me?

9 A. Yes.

10 Q. Could you describe those again?

11 A. I believe there are four reports that we  
12 provide along with the individual ballots and it's  
13 the vote center with cards. Which outlines the  
14 voting locations, what precincts are connected to  
15 those voting locations, what director combos are  
16 connected to those precincts. And finally what  
17 ballot styles are connected to those district combo  
18 values. So that's one report.

19 Another report is reporting precincts with  
20 bases. This outlines the number of precincts and the  
21 various district combos associated to each individual  
22 precinct. And we provide base precincts with cards



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23 that room?

24 A. There's myself, let's see myself, five

25 total people.

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1 Q. Does that include any custodial staff that  
2 may or may not have access to that?

3 A. No. No, it does not.

4 Q. Does custodial staff has access to --

5 A. Custodial staff can only get into the  
6 building if we let them in the building and they  
7 can't get into that room because we don't let them in  
8 that room.

9 Q. Another dirty room?

10 A. That room has got a lot more yes that one  
11 is dirtier than the regular parts of the office.

12 Q. Understood.

13 Are there any other physical parts of the  
14 system that the Secretary of State's office is  
15 responsible for at any point in the chain?

16 A. I cannot think of any others that I have  
17 not mentioned.

18 Q. If any hardware is broken and in need of  
19 repair who is responsible for conducting those

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5 supervision and guidance of the election official.

6 Q. Any other circumstances?

7 A. On some jurisdiction contract with the  
8 vendor to have a member of the vendor on site to  
9 assist with election night. Operations again all  
10 done through the supervision of the county election  
11 official.

12 Q. Any other circumstances?

13 A. I can't think of any off the top of my  
14 head.

15 Q. How is the equipment transported from the  
16 vendor to the Secretary of State's office?

17 A. It is shipped in multiple ways. Depending  
18 on the number sheer number. Sometimes it's shipped  
19 via freight. Others it's shipped via UPS.

20 Q. I would like to talk about the different  
21 removable media that interact with the voting system  
22 generally?

23 A. Okay.

24 Q. So we have talked about a few different  
25 types. I want to make sure I understand all the ways

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1 they interact and I want to make sure I'm not missing

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2 anything?

3 A. Uh-huh.

4 Q. So we talked about the CD that gets loaded

5 with the databases from the GEMS from the bag

6 computers?

7 A. Uh-huh, uh-huh.

8 Q. And that those CDs get transported to the

9 counties correct?

10 A. Uh-huh correct.

11 Q. And another one we talked about is the

12 right lock USB drive that you have used?

13 A. Uh-huh.

14 Q. To upload databases from the same system?

15 A. No when we take databases from the bag

16 environment and move them over to the Epic

17 environment for use there.

18 Q. Okay. Are there any other removable media

19 that interact with the bag computers or server?

20 A. Alternate the Center for election

21 autecious.

22 Q. Uh-huh, yes.

23 A. Not that I can think of. Is that we --

24 with the ballot builder server we have that dedicated

25 jump drive that moves files for ballot building

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1 purposes. Or for Epic purposes because everything  
2 stays within the server in production of the CD. But  
3 we do have to move it from and actually we just move  
4 it from folder to folder within the current system in  
5 the shared system. Epic and ballot building are  
6 sitting in the same configuration that SOS put into  
7 place. So the Epic server has access to the folder  
8 structure for its needs and the ballot building has  
9 the same access structure for the folder structures.  
10 So only one USB drive is used in moving data from the  
11 ballot building CPU the pdf files, the proof files  
12 over to the public device for upload into the SOS  
13 FTP.

14 Q. Okay.

15 A. And then for express poll purposes there's  
16 a could compact flash card that's used to take the  
17 data generated by the Epic computer and that data is  
18 copied to the compact flash card. That compact flash  
19 card is removed prior to every insertion into the  
20 system to make sure that that system is card is clean  
21 it's not containing anything.

22 Q. What can you tell me about the re

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23 formatting process?

24 A. It's a process that's ran on a CPU is that

25 you isolated the drive, right click and say and

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1 format. And it goes through the process of

2 formatting the drive. And basically the way it was

3 explained to me a long time ago is that making sure

4 all of the zeros and ones are nothing but zero.

5 Q. And is this a process that you do yourself?

6 A. Yes.

7 Q. Are there any other removable media that you

8 can interact with either of those two servers,

9 the Epic server or the ballot building?

10 A. I cannot.

11 Q. No smart phones?

12 A. No smart phones.

13 Q. They are never plugged in for charging?

14 A. No no.

15 Q. Laptops?

16 A. No.

17 Q. Tablets?

18 A. No.

19 Q. And they are not are there entered and

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5           A.    I'm saying that my belief is if you have  
6   access to it you have an ability to manipulate it.  
7   Absent access, to it, I am I don't know what  
8   abilities exist to a person that may be trying to  
9   hack an outcome. You know what their skill sets are,  
10   what you know and so forth so I can't speak to what  
11   possibly could they design, I don't know.

12          Q.    Okay. So it is not your position that one  
13   would need to know the position of a candidate in a  
14   database in order to change the votes?

15          A.    It's my potting that if they had  
16   information of the position it may make their job  
17   easier.

18          Q.    Okay. Just to be clear for the record, it  
19   is not your position that one would need to know the  
20   position of a candidate in a database in order to  
21   change the votes?

22          A.    I do not know. Is the answer to the  
23   question. I do not know what may or may not be  
24   needed.

25          Q.    I think now might be a good time for a

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1   break if that works for you?

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2 A. Sure.

3 THE VIDEOGRAPHER: The time is 4:13 p.m. we  
4 are now off the record.

5 (WHEREUPON, a recess was taken.).

6 THE VIDEOGRAPHER: The time is 4:25 p.m. we  
7 are back on the record.

8 Q. I wanted to circle back to some of our  
9 earlier conversations just to follow up on some of  
10 the things I didn't completely understand if you  
11 don't mind?

12 A. Okay.

13 Q. The CD that's sent to the counties?

14 A. Yes.

15 Q. What file types are included on that CD?

16 A. It is a single file within a zipped folder.  
17 There's only one file that's sent to the county on  
18 the CD and that is a GEMS database a dot GBF file.

19 Q. So the dot GBF file is the GEMS database  
20 file?

21 A. That is correct.

22 Q. It's not a Microsoft access file?

23 A. That is correct.

24 Q. What is a dot GBF file generally speaking?

25 A. That best way that I can explain it is a

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1 word file is a dot D.O. c file you have to have a  
2 word to have open a you have to you have to have GEMS  
3 to open up a GBF file GEMS is an executable it reads  
4 a dot GBF file that is the that's the output that it  
5 creates is a dot GBF file.

6 Q. So does GEMS take the information from  
7 Microsoft access into GEMS to create the GEMS  
8 database?

9 A. GEMS is like from my understanding and the  
10 way I see it in my head, GEMS is like a graphical  
11 interface program where you open up GEMS, you work  
12 through GEMS, and the information that you place into  
13 GEMS is being placed into an access database table  
14 structure. But when you have completed the work, and  
15 you save the file, it is saved as a dot GBF file.  
16 That.

17 Q. That really cleared things up for me thank  
18 you. Okay. So we have talked about I think up gone  
19 really into very helpful step-by-step detail about  
20 some of the process in election administration. And  
21 apologies if I'm circle clinic back on some things we  
22 have discussed but I want to Mick sure I understand



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23 version of executable.

24 Q. And at KSU there were three additional

25 computers that were connected to the ballot building

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1 server correct?

2 A. For each employee at the Center for

3 Election Systems had a private network terminal and

4 they had a public terminal. So if you were a ballot

5 builder you had two computers at your desk. You had

6 airbag computer that was connected to the private.

7 You had a public phasing computer that you were able

8 to communicate with the counties back and forthwith.

9 So all full time employees had the two computers one

10 to the private and one to the public.

11 Q. And to all full time employees still have

12 that same setup of two computers?

13 A. Yes.

14 Q. One private and one public?

15 A. Yes, yes.

16 Q. And they run the same software that was

17 being run at KSU?

18 A. The same version of GEMS, the same version

19 of Epic.

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14 the private to the private level. The web server was  
15 on the web it was on a public public domain it was in  
16 a public network slot it was not connected to the  
17 private system.

18 Q. Was there ever any occasion to transfer  
19 information from the private network to the web  
20 server?

21 A. When we would be uploading pdf files to the  
22 county when we would be uploading those reports to  
23 the county to review then there would be data moved  
24 from the private to the public using one of those  
25 lock able USB drives.

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1 Q. Is there was there ever any occasion to  
2 then was that USB drive reused in going back and  
3 forth from the private network to the public network?

4 A. It was and it would be reformatted before  
5 data was moved to and from it.

6 Q. Every time?

7 A. Uh-huh.

8 Q. Was there ever any occasion to transfer any  
9 files that were not pdf files from the private they  
10 work to the public network?